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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/536,794

12/16/2005

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029267.56376US

4519

23911 7590 08/31/2009
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EXAMINER

MANCHO, RONNIE M

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

08/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/536,794 | Applicant(s) MACHII ET AL. | |
| | Examiner RONNIE MANCHO | Art Unit 3664 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-22, 25-30, 33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-22, 25-30, 33, 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/06/08 has been entered.

Remark

2. The non-final office action dated 10/15/08 has been vacated to correct some minor errors. A new non-final office action is hereby set forth below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 17-22, 25-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 17 and 25 applicant recites, “guide information containing *guide point data*”. It is not clear what all is meant and encompassed by “guide point data. Applicant’s specification page 18, lines 6-8, 1—18 recites, “the guide point data are constituted with *offset data* for enlarge intersection area map data and audio data”. It is unclear what applicant is referring to as

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“offset data”. Thus the scope of the claimed “guide information containing *guide point data*” is not clearly set forth.

The rest of the claims are rejected for similar errors or for depending on a rejected base claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 17-22, 28, 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito et al (6484093) in view of Ahrens et al (2002/0010542).

Regarding claim 17, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose a route guidance method for providing route guidance by engaging an information terminal 100 (fig. 1; col. 7, lines 1-12), that transmits information indicating a start point and a destination for a recommended route, to an information distribution center 10 (col. 7, lines 13-46), wherein the information distribution center obtains, through a route search calculation, route guide information including route information containing nodes representing the recommended route and guide information containing guide point data for the recommended route and transmits the route guide information to the information terminal 100 (col. 12, lines 22 to col. 13, line 40), the method comprising:

(a) a step in which an estimated period of time (i.e. predetermined time interval for user to receive route information, col. 12, lines 51-61) for downloading the route guide information

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determined based upon a physical quantity indicating a data size of the route guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40);

(b) a step in which the information terminal transmits a request to the information distribution center to transmit the route guide information in installments (fig. 5; col. 12, lines 22 to col. 13, line 40; figs. 7, 2, 3);

(c) a step in which upon receiving the request, the information distribution center extracts a portion of the guide information corresponding to an area of the recommended route near the start point and transmits the obtained route information in a batch and the extracted portion of the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40); and

(d) a step in which upon receiving the extracted portion of the guide information corresponding to the area of the recommended route near the start point, the information terminal starts the route guidance (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40).

Ito did not particularly disclose that a user is informed of the download period required to download route information. However, Ahrens et al (section 0113) teaches of a step in which a user is informed of an estimated period of time required for downloading route guide information determined based upon a physical quantity indicating a data size of the route guide information.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ito as taught by Ahrens for the purpose of effectively downloading navigation data for storage media.

Regarding claim 18, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 17, wherein:

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the guide information includes a guidance for advancing direction at each guide point on the recommended route (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 19, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 18, wherein:

the portion of guide information corresponding to the area near the start point including guide information for a block extending from the start point to a next guide point (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 20, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 17, wherein the data size of the route guide information is a data size of the guide information or a number of guide points contained in the guide information (fig. 5; col. 12, lines 22 to col. 13, line 40; figs. 7, 2, 3);

Regarding claim 21, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 17, wherein after starting the route guidance, the information terminal transmits to the information distribution center a request for remaining guide information (figs. 5&7), and

the information distribution center extracts and transmits the remaining portion of the guide information (fig. 5; col. 12, lines 22 to col. 13, line 40; figs. 7, 2, 3).

Regarding claim 22, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 21, wherein each time the request is received for the remaining portion of the guide information is

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received, the information distribution center transmits guide information extracted in a unit corresponding to a guide point to the information terminal (fig. 5; col. 12, lines 22 to col. 13, line 40; figs. 7, 2, 3).

Regarding claim 28, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose the route guidance method according to claim 25, wherein the information distribution center extracts the first piece of the guide information upon receiving a request for splitting transmission of the route guide information from the information terminal, the request being issued based on an intention of a user who is informed of an estimated period of time (i.e. predetermined time interval for user to receive route information, col. 12, lines 51-61) for downloading the route guide information determined based on a physical quantity indicating a data size of the guide information or a number of guide points contained in the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Ito did not particularly disclose that a user is informed of the download period required to download route information. However, Ahrens et al (section 0113) teaches of a step in which a user is informed of an estimated period of time required for downloading route guide information determined based upon a physical quantity indicating a data size of the route guide information.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Ito as taught by Ahrens for the purpose of effectively downloading navigation data for storage media.

Regarding claim 33, Ito et al (figs. 1-3, 5-11; abstract, col. 1, lines 48 to col. 3, line 31; col. 7, line 1 to col. 14, line 6) disclose route guidance method according to claim 17, wherein the guide point data includes at least one of an enlarged map data and audio data.

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7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

8. Claims 25-27, 29, 30, 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito et al (6484093).

Regarding claim 25, Ito et al (figs. 1-3, 5-11; abstract; col. 1, lines 48 to col. 3, line 31; col. 7, lines 1 to col. 14, lines 6) disclose a route guidance method for providing route guidance by exchanging information related to a recommended route from a start point to a destination between an information terminal 100 (fig. 1; col. 7, lines 1-12) and an information distribution center 10 (col. 7, lines 13-46), comprising:

(a) a step in which the information terminal transmits information indicating the start point and the destination to the information distribution center (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11);

(b) a step in which the information distribution center obtains route guide information including route information containing nodes representing the recommended route and guide information containing guide point data for the recommended route for the recommended a route through the search calculation (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11);

(c) a step in which the information distribution center extracts a first piece of the guide information for an area of the recommended route near the start point and a second piece of the guide information for the remaining area of the recommended route and transmits to the information terminal the route information in a batch and the first and second piece of the guide information separately (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11); and

(d) a step in which the information terminal starts the route guidance upon receiving from the information distribution center the route information and the first piece of the guide information (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 26, Ito (figs. 1-3, 5-11; abstract; col. 1, lines 48 to col. 3, line 31; col. 7, lines 1 to col. 14, lines 6) disclose the route guidance method according to claim 25, wherein the guide information includes a guidance for advancing direction at each guide point on the recommended route (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 27, Ito (figs. 1-3, 5-11; abstract; col. 1, lines 48 to col. 3, line 31; col. 7, lines 1 to col. 14, lines 6) disclose the route guidance method according to claim 25, wherein the first piece of the guide information includes at least a guidance for advancing direction at a next guide point to the start point (col. 7, lines 1-12; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

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Regarding claim 29, Ito et al (figs. 1-3, 5-11; abstract; col. 1, lines 48 to col. 3, line 31; col. 7, lines 1 to col. 14, lines 6) disclose the route guidance method according to claim 25, wherein after starting the route guidance, the information terminal transmits to the information distribution center a request for the second piece of the guide information (fig. 5; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 30, Ito et al (figs. 1-3, 5-11; abstract; col. 1, lines 48 to col. 3, line 31; col. 7, lines 1 to col. 14, lines 6) disclose route guidance method according to claim 29, wherein each time the request for the second piece of the guide information is received, the information distribution center transmits the second piece of guide information extracted in a unit corresponding to a guide point to the information terminal (fig. 5; col. 12, lines 22 to col. 13, line 40; figs. 1-3, 5-11).

Regarding claim 34, Ito et al (figs. 1-3, 5-11; abstract; col. 1, lines 48 to col. 3, line 31; col. 7, lines 1 to col. 14, lines 6) disclose route guidance method according to claim 25, wherein the guide point data includes at least one of an enlarged map data and audio data 107 (col. 8, line 5).

Response to Arguments

9. Applicant's arguments with respect to claims 8/6/28 have been considered but are not persuasive.

Applicant argues that the 112 rejections have been overcome by the amendment. The examiner disagrees and notes that applicant does not specifically define guide point data in the specification page 18, lines 3-20.

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Applicant's argument regarding a period required for downloading data is moot in view of a new rejection in view of a second prior art.

Applicant's argues that Ito does not disclose extracting a portion of guide information corresponding to a recommended route and a request to transmit the route information in installments. The examiner disagrees and notes that Ito col. 12, lines 51-67 anticipates the limitations. In Ito when the vehicle reaches a desired point, a request for transmission of a drive is submitted to information center 10. The information center 10 searches for the requested route and divides the searched requested route in batches or segments. After that, the route is transmitted in segments (portions) or sequential transmission (i.e. transmission in installments; col. 12, line 56) to the vehicle. After the vehicle receives a requested transmitted portion of road, the vehicle executes route guidance. Thus Ito anticipates receiving a request to transmit route information in installments. Choosing to segment searched route data and choosing to sequentially transmit segments of the searched route data at a predetermined time interval upon request from the vehicle constitutes extracting portions of the route data and receiving a request to transmit the route information in installments similar to applicant's disclosure.

It is therefore believed that the rejections are proper and thus stand.

Communication

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RONNIE MANCHO whose telephone number is (571)272-6984. The examiner can normally be reached on Mon-Thurs: 9-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Khoi can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ronnie Mancho
Examiner
Art Unit 3664

5/30/2009

/Ronnie Mancho/

Examiner, Art Unit 3664